

DECISION

24589
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-210521**DATE:** March 22, 1983**MATTER OF:** Harris Data Communications, Inc.**DIGEST:**

Protest is dismissed where court is considering the same issues and has not expressed an interest in receiving GAO's views.

Harris Data Communications, Inc. (Harris), protests the Navy's decision to exclude its proposal from the competitive range under request for proposals (RFP) No. N66032-82-R-0011. Harris contends that the Navy departed materially from the announced evaluation plan when it excluded the Harris proposal without first identifying deficiencies and affording Harris an opportunity to submit a revised proposal.

While the protest was pending at GAO, Harris filed for declaratory and injunctive relief in the United States Claims Court (Civil Action No. 83-83C). The court's resolution of the issues before it will control the resolution of the protest as the issues are the same. We do not decide protests when the same issues are before a court unless the court requests, expects, or otherwise expresses an interest in receiving our views. 4 C.F.R. § 21.10 (1982). Harris has not requested judicial relief pending a GAO decision of its protest, and the court has not indicated an interest in our decision.

The protest is dismissed. Numax Electronics, Inc., B-204632.3, January 22, 1982, 82-1 CPD 49.

Harry R. Van Cleve
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Acting General counsel

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